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10/581,131	05/30/2006	Patrick Cyriel Van De Voorde	NL031380US1	3739

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EXAMINER

HOLLWEG, THOMAS A

ART UNIT	PAPER NUMBER
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2879

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,131	Applicant(s) VAN DE VOORDE, PATRICK CYRIEL	
	Examiner Thomas A. Hollweg	Art Unit 2879	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Acknowledgment of Amendment

1. Applicant's Amendment of June 1, 2009, is acknowledged. Claim 7 is canceled. Claims 12 and 13 are added. Claims 1-6 and 8-13 are currently pending.
2. The amendments to claim 1 are acknowledged correcting for minor informalities. The previous objection to claim 1 is withdrawn.

Claim Objections

3. The following claims are objected to because of the following informalities:
 - a. Claims 1, 12 and 13, in the phrase "issuing to an exterior of the lamp" "the lamp" lacks antecedent basis. It is assumed that is a reference to the discharge lamp and not to the high-pressure discharge lamp assembly.
 - b. Claim 13, the period "." is missing from the end of the claim.Appropriate correction is required.

Drawings

4. The drawings are objected to because in figure 1, conduction member 9 is shown to pass out of the reflector assembly to connect to the contact member 10, while passing by contact member 20. It would appear from the drawing, if the lamp assembly were inserted into a holder in any rotational position, as stated on page 5 of the specification, that the conduction member 9 would contact the contact member 20, and the lamp would not function. Therefore, figure 1 appears to show a lamp which would not function.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-9, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Koster et al., U.S. Patent No. 5,945,776.

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8. **With regard to claim 1**, in figures 1 and 4, Koster discloses a high-pressure discharge lamp assembly (1) comprising a discharge lamp (2) and a concave reflector (10, 5) arranged around a longitudinal axis (3), the discharge lamp (2) being closed in a gastight manner and comprising a first end portion and second end portion and an ionizable gas filling, and in which a pair of electrodes (4) is arranged, wherein the first end portion of the discharge lamp (2) extends through an opening (12) provided in a center section of the reflector (10, 5), a first current-supply conductor (8) connected to a first one of the pair of electrodes (4) and issuing to an exterior of the lamp (2) at the first end portion of the discharge lamp (2); a second current-supply conductor (8) connected to a second one of the pair of electrodes (4) and issuing to the exterior of the discharge lamp (2) at the second end portion of the discharge lamp (2), a conduction member (not labeled) connected to the second current-supply conductor (8) and extending through the opening (12) in the center section of the reflector (10, 5), and the conduction member (not labeled) being connected to a contact member (6) provided on a surface of the reflector (10, 5) facing away from the discharge lamp (2), the contact member (6) being connected to the conduction member, wherein the discharge lamp (2) is mounted in a fixation means (9, 25, 26, 27, 28) provided in the opening (12) of the reflector (10, 5) (col. 4, lines 12-65).

9. Examiner notes that the phrase “fixation means” is used, however this does not invoke 35 U.S.C. § 112, sixth paragraph, treatment because it does not satisfy the three prong test. The correct language is not used, and the phrase is not modified by functional language.

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10. **With regard to claim 2**, in figures 1 and 4, Koster discloses that the reflector (10, 5) is provided with a neck portion (15, 5) arranged around the longitudinal axis (3), the contact member (6) being provided on a surface of the neck portion (end of the neck portion 5) facing away from the discharge lamp (2) (col. 4, lines 12-65).

11. **With regard to claim 3**, in figures 1 and 4, Koster discloses that the contact member (6) is provided as a circular conducting strip around the reflector (10, 5) (col. 4, line 29).

12. **With regard to claim 4**, in figures 1 and 4, Koster discloses that a further contact member (6) is provided on the surface of the reflector (10, 5), the further contact member (6) being connected to the first current-supply conductor (8) (col. 4, lines 26-30).

13. **With regard to claim 5**, in figures 1 and 4, Koster discloses that the further contact member (6) is provided as a circular conducting strip around the reflector (10, 5) (col. 4, lines 20-29) (Koster shows two contact members, a ring and a pin, either can be the further contact member).

14. **With regard to claim 6**, in figures 1 and 4, Koster discloses that that the neck portion (15, 5) is provided with an opening (12) for passing through the conduction member (not labeled) (col. 4, lines 52-54).

15. **With regard to claim 8**, in figures 1 and 4, Koster discloses that the neck portion (15, 5) of the reflector (10, 5) is provided with a substantially rotationally symmetrical lamp cap (5) of an insulating material, the lamp cap (5) being provided with the contact member (6) (col. 4, lines 20-24).

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16. **With regard to claim 9**, in figures 1 and 4, Koster discloses that the contact member (6) is provided as a circular conducting strip around the lamp cap (5) (col. 4, line 29).

17. **With regard to claim 11**, in figures 1 and 4, Koster discloses that a further contact member (6) is provided on the lamp cap (5) on a location where the longitudinal axis (3) intersects the lamp cap (5) (col. 4, lines 20-29).

18. **With regard to claim 12**, in figures 1 and 4, Koster discloses a high-pressure discharge lamp assembly (1) comprising a discharge lamp (2) and a concave reflector (10, 5) arranged around a longitudinal axis (3), the discharge lamp (2) being closed in a gastight manner and comprising a first end portion and second end portion and an ionizable gas filling, and in which a pair of electrodes (4) is arranged, wherein the first end portion of the discharge lamp (2) extends through an opening (12) provided in a center section of the reflector (10, 5), a first current-supply conductor (8) connected to a first one of the pair of electrodes (4) and issuing to an exterior of the lamp (2) at the first end portion of the discharge lamp (2); a second current-supply conductor (8) connected to a second one of the pair of electrodes (4) and issuing to the exterior of the discharge lamp (2) at the second end portion of the discharge lamp (2), a conduction member (not labeled) connected to the second current-supply conductor (8) and extending through the opening (12) in the center section of the reflector (10, 5), a contact member (6) provided on a surface of the reflector (10, 5) facing away from the discharge lamp (2), the contact member (6) being connected to the conduction member, wherein the discharge lamp is mounted in a fixation means (9, 25, 26, 27, 28) provided in the

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opening (12) of the reflector (10, 5) and, wherein the conduction member is guided though the fixation means (9, 25, 26, 27, 28) (col. 4, lines 12-65).

19. Examiner notes that the phrase "fixation means" is used, however this does not invoke 35 U.S.C. § 112, sixth paragraph, treatment because it does not satisfy the three prong test. The correct language is not used, and the phrase is not modified by functional language.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koster as applied to claims 1, 2 and 8 above, and further in view of Calon et al., U.S. Patent No. 6,525,454 B2.

22. **With regard to claim 10**, Koster discloses all of the limitations, except that it does not expressly disclose that the lamp cap is provided with a multiplicity of indents for fixating the contact member.

23. Calon, in figures 1 and 2, teaches a high-pressure discharge lamp (1) with a lamp cap (10) provided with a multiplicity of indents (11b) for fixing the contact member (10) (col. 5, lines 8-29), and to form a screw-type connection at the end of the lamp to provide a reliable connection between the cap and the lamp body and a reliable connection between the lamp and a lamp socket.

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24. At the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the Koster lamp where the lamp cap is provided with a multiplicity of indents for fixating the contact member, as taught by Calon, to form a screw-type connection at the end of the lamp to provide a reliable connection between the cap and the lamp body and a reliable connection between the lamp and a lamp socket.

25. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koster, in view of Kika, WO/2003/022013. For convenience, this Office Action relies upon and references the English translation of Kika in the U.S. Patent Application Publication, US 2004/0155594.

26. **With regard to claim 13**, in figures 1 and 4, Koster discloses a high-pressure discharge lamp assembly (1) comprising a discharge lamp (2) and a concave reflector (10, 5) arranged around a longitudinal axis (3), the discharge lamp (2) being closed in a gastight manner and comprising a first end portion and second end portion and an ionizable gas filling, and in which a pair of electrodes (4) is arranged, wherein the first end portion of the discharge lamp (2) extends through an opening (12) provided in a center section of the reflector (10, 5), a first current-supply conductor (8) connected to a first one of the pair of electrodes (4) and issuing to an exterior of the lamp (2) at the first end portion of the discharge lamp (2); a second current-supply conductor (8) connected to a second one of the pair of electrodes (4) and issuing to the exterior of the discharge lamp (2) at the second end portion of the discharge lamp (2), a conduction member (not labeled) connected to the second current-supply conductor (8) and extending through

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the opening (12) in the center section of the reflector (10, 5), a first contact member (6) provided as a first circular conducting strip around the reflector (10, 5) on a surface of the reflector (10, 5) facing away from the discharge lamp, the first contact member (6) being connected to the conduction member; and wherein the discharge lamp (2) is mounted in a fixation means (9, 25, 26, 27, 28) provided in the opening (12) of the reflector (10, 5) (col. 4, lines 12-65).

27. Examiner notes that the phrase “fixation means” is used, however this does not invoke 35 U.S.C. § 112, sixth paragraph, treatment because it does not satisfy the three prong test. The correct language is not used, and the phrase is not modified by functional language.

28. Koster does not expressly disclose a second contact member provided as a second circular conducting strip around the reflector on the surface of the reflector facing away from the discharge lamp, the second contact member being connected to the first current-supply conductor.

29. Kika, in figure 2A, teaches a high-pressure discharge lamp assembly where a first contact member (17a) is provided as a first circular conducting strip around the lamp assembly on a surface of the lamp assembly facing away from the discharge lamp (2), the first contact member (17a) being connected to a conduction member (23); and a second contact member (17b) provided as a second circular conducting strip around the lamp assembly on the surface of the lamp assembly facing away from the discharge lamp (2), the second contact member (17b) being connected to the first current-supply conductor (22) [0116].

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30. At the time of invention, it would have been obvious for a person having ordinary skill in the art to construct the Koster lamp assembly where a second contact member provided as a second circular conducting strip around the reflector on the surface of the reflector facing away from the discharge lamp, the second contact member being connected to the first current-supply conductor, as taught by Kika, so that the lamp may be arranged in a holder in any rotational position.

Response to Arguments

31. Applicant first argues that the prior art reference Koster fails to disclose the claim limitation that the contact member is provided on a surface of the reflector facing away from the discharge lamp. Applicant asserts that the contact member in Koster is provided on a cap. It is the position of the examiner that the cap element (5) of Koster is an element of the reflector assembly. It acts to extend the neck of the reflector assembly and provide a position in the reflector assembly to mount the lamp vessel (2). The conductor (6) is clearly provided on a surface of the reflector assembly facing away from the discharge lamp.

32. Applicant further argues that the prior art reference Koster fails to disclose the claim limitation that the conduction member is guided through the fixation means because the previous Office Action cites elements 25-28 as the fixation means and the conduction member appears to pass outside of these elements. The citations in an office action are provided for convenience and are limiting as to what may be considered to be "fixation means" in the Koster device. The conduction member is clearly shown to be guided through the portion of the device which supports the lamp vessel (2)

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through an opening in the support structure (see figs. 1 and 4). The fixation means additionally includes surface 9 and other labeled and not labeled elements. The conduction member clearly is guided through this "fixation means."

Conclusion

33. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

34. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

35. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Hollweg whose telephone number is (571) 270-1739. The examiner can normally be reached on Monday through Friday 7:30am-5:00pm E.S.T..

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36. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

37. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TH/

/NIMESHKUMAR D. PATEL/

Supervisory Patent Examiner, Art Unit 2879